HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 382 of 2004 (SS)

Smt. Maheshwari Devi …….. Petitioner

Versus

State of Uttaranchal & others …… Respondents

Sri G.S. Negi, Advocate for the petitioner
Standing Counsel for the respondents

Dated: 23.04.2004

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioenr has prayed for the issue of a writ of mandamus directing respondent no. 1 to 3 to take the charge of Head Mistress, Lokmani Junior High School, Duggada Block from respondent no.4 and to hand over the same to the petitioner.

Briefly stated the facts giving rise to the present writ petition are that the petitioner is holding the post of Head Mistress and is posted in Dugadda Block of District Pauri Garhwal. The grievance of the petitioner is that respondent no.2 issued transfer order on

30.4.2002. In compliance of that order she handed over the charge of Junior High School, Kashirampur on 6.5.2002 and went to join the new place of posting at Mawakot but there the Head Mistress declined to give the charge to the petitioner and she was again transferred to Kashirampur vide order dated 30.7.2002 passed by respondent no.2.

The learned counsel for the petitioner has contended that it was the duty of the respondents to get their order obeyed and should have taken appropriate action to make the compliance of the transfer order but the respondents have failed to perform their duties on account of which the petitioenr is without charge of Head Mistress which causes great prejudice to her.

Considering the facts and circumstances of the case liberty is given to the petitioner to approach the authorities concerned by way of representation with 15 days after the receipt of the certified copy of this order. The respondents are directed to decide the representation by a reasoned order within three weeks thereafter.

The writ petition is disposed of accordingly. No order as to costs.

23.4.2004
Dhyani